



NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI MS State Department of Health

MS State Department of Health
c/o Tim Darnell, Office of Env. Health
P. O. Box 1700
Jackson, MS 39215-1700
601-576-7690
Telephone Number
tdarnell@msdh.state.ms.us
Email Address

Specific Legal Authority Authorizing the promulgation
of Rule: Sections 45-23-1 through 45-23-61
MS Code of 1972, Annotated

Reference to Rules repealed, amended or suspended by
the Proposed Rule:
Title 15 - MS Department of Health
Part III - Office of Health Protection
Subpart 76 - Boiler and Pressure Vessel Safety, Chap. 01

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

MS Code was amended to raise certificate fees from \$10 and \$20 to \$20 and \$30 respectively. The code was also amended to exempt certain types of air tanks from inspection. These regulation changes are proposed in order to reflect changes in the law.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding (Check one box below):

- ☒ An oral proceeding is scheduled on this rule on Date: 04/07/2010 at Time: 9:00 at
Location: Osborne Building, Cobb Auditorium, Mississippi State Department of Health, Jackson

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

- ☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement (Check one box below):

- ☐ The agency has determined that an economic impact statement is not required for this rule, or
☒ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

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Date Rule Proposed: 03/01/2010

Tim Darnell, Director, Office of Environmental Health
Printed Name/Title of Person Submitting Rule for Filing

Proposed Effective Date of Rule: 05/14/2010

TR Darnell
Signature

**CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT
STATE OF MISSISSIPPI
MISSISSIPPI STATE BOARD OF HEALTH
MISSISSIPPI STATE DEPARTMENT OF HEALTH**

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Part III-Office of Health Protection
Subpart 76-Boiler and Pressure Vessel Safety

Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. Description of the need for and the benefits of the proposed rule:

The MS State Dept. of Health (MSDH) provides safety inspections for boilers and pressure vessels and if safe for operation issues inspection certificates. The proposed rule change will enable MSDH to continue providing this service and it will be funded by users of the service as required in Sections 45-23-1 through 45-23-61 MS Code of 1972, Annotated.

b. Cost estimate to the agency and other state or local government entities:

The proposed rule will increase certificate fees by \$10.00.

c. Estimate of the cost or economic benefit to all persons:

The \$10.00 certificate fee increase will allow the Boiler Safety Division of the MSDH to continue to operate as a fee for service program.

d. Analysis of the impact on small business:

The proposed fee increase would equate to less than .03 cents per day for the operation of a boiler or pressure vessel.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule:

If the proposed rule is adopted, MSDH will be able to continue to provide the required safety inspections for boilers and pressure vessels in use throughout the state. If not adopted the program will not be able to hire and maintain qualified inspectors to provide this service.

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:

Due to the increased cost of travel, personal, etc., this fee increase is essential to the operation of the program.

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods:

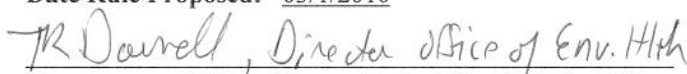
This rule is proposed as authorized by MS Code 45-23-53 which authorizes the Board of Health to charge reasonable fees to make this activity reasonably self-supporting.

h. Data and methodology in making the estimates in the economic impact statement:

MSDH costs for establishing the fee proposed by this rule are as follows: Travel @ \$0.50 cents per mile (~1 hour to :30 min/from :30 min). Inspection time (~1 hour per visit), process and file paperwork (~30 minutes). Equals ~2 hours and 30 minutes to completely conduct an inspection, NOT including a return visit if required. Estimation calculated: \$83.32 per inspection with no circumstances.

Date Rule Proposed: 03/1/2010

Proposed Effective Date of Rule: 05/14/2010


Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 004
Effective Date 07/29/2005